REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the present Official Action, the Examiner first rejected Claims 1-32 under 35 U.S.C. §102(e), as allegedly being anticipated by Ran et al. (US Patent No. 6,209,026) (hereinafter Ran).

In response, as a preliminary matter, applicant amends each of independent Claims 1, 14 and 23 to clarify one novel aspect of the present invention: namely, that it provides users with an asynchronous demand-pull functionality. This functionality is embodied in independent method Claim 14 as amended which provides a method for communicating data to a wearable appliance implementing a wireless data receiver device for receiving wireless data communications, the method comprising the steps of:

a) receiving an asynchronous data request via a first communications sub-system, the request indicating a user-specified future time for said requested data;

b) retrieving said requested data for said user in response to said request;

c) assembling said retrieved data in a form suitable for communication via a second communications sub-system over a wireless data transmission channel; and,

d) communicating said requested data to said wearable appliance over said wireless data transmission channel via a second communications sub-system, wherein said user asynchronously requests said data transfer from said first communications sub-system and receives a data transmission via said second communications sub-system in synchronism with user availability at said user-specified future time without requiring further user participation during said transmission.

Respectfully, these amendments are used to clarify the aspect of the invention that caters to asynchronous demand-pull; when a user transmits a request for data, via a first communications channel (sub-system), and, yet specifies the communication of the requested data at a future time for receipt by a wearable appliance (wirelessly enabled) via a second communications channel (sub-system) to ensure that the data is available to the user in synchronism with user availability at the user-specified future time.

Respectfully, Ran does not teach this. Ran, rather teaches a real-time processing "pull" infrastructure whereby, a user transmits a data request for essentially "time critical" information, e.g., real-time traffic, warnings, information, which is promptly gathered at a central server via a variety of resources, and formatted for transmission back to the same requesting device.

Thus, in this aspect, Ran is different in that the nature of the information being requested by users is time critical, e.g. traffic information, and in such instance, necessarily requires that the same device used for the request is the device used to receive the resulting requested data. Thus, for example, a user requesting traffic from an in-vehicle navigation device will receive the information by the same in-vehicle device, e.g., while the user is traveling. This is further bolstered by the fact that in Ran, as shown in Fig. 1 and the accompanying description in Ran thereof, the host "server" comprises an one or more of a plurality of servers, each server associated with the type of requesting device modality, e.g., e-mail, web-server, internet kiosk. That is, Ran, absent a teaching otherwise, must be interpreted as a "pull" model wherein the user transmit requests, waits, and immediately receives requested data information via the same communications link (channel) and not on separate channels and not at a time-delayed user specified time. That is, the data delivery model in Ran is synchronous. For example, in Ran as discussed at col. 4, line 39 - col. 6, line

46, each description of a respective host server is characterized as receiving and processing user's request for "real-time" personalized traffic information. Respectfully, use of the term "realtime" in Ran is being interpreted as an immediate need, that is, the same server receiving the request will receive aggregated requested data and send the requested information back to the user who is waiting on the requesting device and communications channel.

Respectfully, applicant submits that while Ran suggests that the user can receive "updates" or, alternately, that the user can receive information updated at a user defined "frequency", this is more in the context of a push model, where the server device will automatically deliver to a user specified device the requested traffic information at a specified frequency. There is no mention in Ran that the request is initiated at another device via an different communication link, nor is there a mention that the user has to be available to receive the "updates". To the contrary, in the present invention as claimed in amended Claims 1, 14 and 23, the user requested data is specified for receipt via an alternate communications means at a user-specified time in synchronism with user availability, that is, the requested information itself will to get to the user when he/she is known to be available to receive it via the second communications channel.

Respectfully, no new matter is being entered in the amendments to Claims 1, 14 and 23 as clear support in the specification is had, e,g., in the last paragraph of page 22, lines 15 et seq. where it is described how the user may "specify a future time and location" of where to send the data, and, also described in the specification at page 19, first full paragraph, in support of Figs. 7(a), 7(b) where it is described that the data may be synchronized for later delivery in accordance with a user specified time.

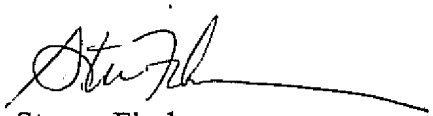
Again, respectfully, even though Ran suggests processing data updates at a user-defined frequency, this really connotes a subscribe/push scenario where the requested data is

automatically updated and "pushed" to the user device at specified intervals with no guarantee that a user is even present to receive the updates and, which constitutes: a waste of resources, bandwidth memory storage, that the present invention is configured to avoid. The present invention is rather directed to satisfying an asynchronous request for data, e.g., which may be locally present not gathered from the Internet, unlike in Ran, and received via a first communications means, and further transmitted to a user for receipt at a wearable appliance via a second wireless communications means at a specified time that ensures user availability, i.e., an asynchronous "demand pull" model.

Respectfully, applicant submits that the present amendment is for clarification purposes and could not have been earlier presented do to the application of the new reference to "Ran" which was only cited herein for the first time in the present Final Rejection.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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